

BILL NO. 93-9

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

AS AMENDED

BILL NO. 93-9 (as amended)

Introduced by Council Members Wagner and Pierno

Legislative Day No. 93-6 Date February 16, 1993

AN ACT to repeal and reenact, with amendments, Section 109-6, Vegetation, of Article I, General Provisions, of Chapter 109, Environmental Control, of the Harford County Code, as amended; to prohibit certain vegetation from exceeding a specified height on certain residential lots; to establish certain procedures for regulating the height of certain vegetation on certain residential lots; and generally relating to vegetation.

By the Council, February 16, 1993

Introduced, read first time, ordered posted and public hearing scheduled  
on: March 16, 1993

at: 6:30 p.m.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 16, 1993, and concluded on, March 16, 1993

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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Section 1. Be It Enacted By the County Council of Harford County, Maryland, That Section 109-6, Vegetation, of Article I, General Provisions, of Chapter 109, Environmental Control, of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted with all amendments to read as follows:

Chapter 109. Environmental Control.

Article I. General Provisions.

Section 109-6. Vegetation.

[A. It shall be unlawful for any person to permit any vegetation, other than trees, cultivated crops or cultivated ornamental shrubbery or plants, to grow to a height exceeding twelve (12) inches on any lot or parcel of land less than three (3) acres located in an approved and/or recorded residential subdivision having three (3) or more lots or parcels of land and any part of which is within one hundred fifty (150) feet of an occupied residence. Lots or parcels of land devoted to bona fide agricultural use or designated by any governmental agency as a wildlife preserve are exempt from the application of this section.

B. Any person who is a resident of the subdivision in which there exists property in violation of this section, after proper notification, may have a summons issued to the offending property owner. Notification shall be in the form of a certified letter, return receipt requested. The notice shall inform the offending property owner that the property is in violation of this section and request that the violation be corrected within fifteen (15) days from the date of the receipt of the letter. If after fifteen

(15) days the violation still exists, the complainant may, upon sworn complaint before the District Court, file an application for the issuance of a summons.

C. Any person found guilty of violating this section shall be subject to a fine of not more than five hundred dollars (\$500.).]

A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A PERSON SHALL NOT PERMIT ANY VEGETATION OTHER THAN TREES, CULTIVATED CROPS, CULTIVATED SHRUBBERY, OR CULTIVATED PLANTS TO GROW TO A HEIGHT EXCEEDING 12 INCHES ON ANY LOT OR PARCEL THAT IS:

(1) LESS THAN ~~3 ACRES~~; 5 ACRES; AND

(2) LOCATED IN AN APPROVED OR RECORDED RESIDENTIAL SUBDIVISION OF 3 OR MORE ~~LOTS~~; AND LOTS.

~~(3) WITHIN 150 FEET OF AN OCCUPIED RESIDENCE.~~

~~B. THIS SECTION DOES NOT APPLY TO LAND THAT IS DEVOTED TO AGRICULTURAL USE OR DESIGNATED AS A WILDLIFE PRESERVE BY A GOVERNMENT AGENCY.~~

"B. THIS SECTION DOES NOT APPLY TO LAND THAT IS:

(1) DEVOTED TO AGRICULTURAL USE;

(2) DESIGNATED AS A WILDLIFE PRESERVE BY A GOVERNMENT AGENCY;

(3) IDENTIFIED AS A NATURAL RESOURCE DISTRICT AS ESTABLISHED UNDER SECTION 267-41D OF THE HARFORD COUNTY CODE;

(4) IDENTIFIED AS A HABITAT PROTECTION AREA WITHIN THE CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT AS ESTABLISHED IN SECTION 267-41.1 OF THE HARFORD COUNTY CODE; OR

1           (5) IDENTIFIED AS AN AFFORESTATION, REFORESTATION, OR  
2           FOREST RETENTION AREA ON THE RECORD PLAT FOR THE LOT OR PARCEL."

3           C.     A PERSON WHO BELIEVES A VIOLATION OF THIS SECTION EXISTS  
4           MAY FILE A COMPLAINT WITH THE DIRECTOR OF PLANNING AND ZONING.

5           D.     THE DIRECTOR OF PLANNING AND ZONING SHALL INVESTIGATE  
6           EACH COMPLAINT AND SERVE A NOTICE OF ABATEMENT ON AN OWNER OF ANY  
7           PROPERTY THAT IS IN VIOLATION OF THIS SECTION.

8           E.     THE NOTICE OF ABATEMENT SHALL REQUIRE THAT THE OWNER CUT,  
9           TRIM, OR REMOVE THE VEGETATION THAT IS IN VIOLATION OF THIS SECTION  
10          WITHIN 14 CALENDAR DAYS AFTER SERVICE OF NOTICE.

11          F.     SERVICE OF THE NOTICE SHALL BE BY PERSONAL SERVICE OR  
12          CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE PERSON IN WHOSE  
13          NAME THE PROPERTY IS ASSESSED FOR TAX PURPOSES.

14          G.     IF THE PROPERTY OWNER FAILS TO CUT, TRIM, OR REMOVE THE  
15          VEGETATION WITHIN 14 CALENDAR DAYS AFTER RECEIVING THE NOTICE, THE  
16          DEPARTMENT SHALL ABATE THE VIOLATION BY USE OF COUNTY EMPLOYEES AND  
17          EQUIPMENT OR BY CONTRACT WITH PRIVATE CONTRACTORS.

18          ~~H.     THE EXPENSE TO THE COUNTY TO CUT, TRIM, OR REMOVE THE~~  
19          ~~VEGETATION SHALL CONSTITUTE A LIEN UPON THE PROPERTY AND BE~~  
20          ~~COLLECTIBLE IN THE SAME MANNER AS REAL PROPERTY TAXES.~~

21          "H.   A PROPERTY OWNER WHO FAILS TO ABATE A VIOLATION OF THIS  
22          SECTION SHALL BE ASSESSED THE FOLLOWING COSTS, WHICH SHALL  
23          CONSTITUTE A LIEN UPON THE PROPERTY AND BE COLLECTIBLE IN THE SAME  
24          MANNER AS REAL PROPERTY TAXES:

25                 (1) THE COUNTY'S COST ASSOCIATED WITH ABATEMENT OF THE  
26          VIOLATION; AND

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1           (2) THE COUNTY'S ADMINISTRATIVE COST ASSOCIATED WITH  
2 INVESTIGATION, INSPECTION, ENFORCEMENT, AND CORRECTION OF THE  
3 VIOLATION."

4           "I. EXCEPT AS PROVIDED IN SUBSECTION J, A PROPERTY OWNER WHO  
5 ABATES A VIOLATION OF THIS SECTION WITHIN 14 CALENDAR DAYS AFTER  
6 SERVICE OF THE NOTICE SHALL BE ASSESSED FOR THE COUNTY'S  
7 ADMINISTRATIVE COSTS.

8           J. IF THE NOTICE IS THE FIRST NOTICE OF ABATEMENT RECEIVED  
9 BY A PROPERTY OWNER AND THE PROPERTY OWNER ABATES THE VIOLATION  
10 WITHIN 14 CALENDAR DAYS AFTER SERVICE OF THE NOTICE, NO COSTS SHALL  
11 BE ASSESSED BY THE COUNTY."

12           ~~I.~~ K.       A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A  
13 CIVIL PENALTY OF NOT MORE THAN \$500.   EACH DAY A VIOLATION  
14 CONTINUES TO EXIST CONSTITUTES A SEPARATE OFFENSE.

15 Section 2.       And Be It Further Enacted, That This Act Shall Take  
16 Effect 60 calendar days from the date it becomes law.

17 EFFECTIVE: June 14, 1993  
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AS AMENDED

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HARFORD COUNTY BILL NO. 93-9 (as amended)(Brief Title) Environmental Control -Vegetation

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Doris Paulsen  
Secretary of the Council

[Signature]  
President of the Council

Date April 13, 1993

Date April 13, 1993

BY THE COUNCIL

Read the third time.

Passed: LSD 93-11 (April 13, 1993)

Failed of Passage: \_\_\_\_\_

By Order

Doris Paulsen, Secretary

Sealed with the County Seal and presented to the County Executive for approval this 14th day of April, 1993 at 2:00 p. m.

Doris Paulsen, Secretary

BY THE EXECUTIVE

Eileen M. Lehman  
COUNTY EXECUTIVE

APPROVED: Date April 15, 1993

BY THE COUNCIL

This Bill (No. 93-9, as amended), having been approved by the Executive and returned to the Council, becomes law on April 15, 1993.

Doris Paulsen, Secretary

EFFECTIVE DATE: June 14, 1993

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